

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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**SEGUNDO MINCHALA,**

**04 CV 3080 (NG) (RLM)**

**Plaintiff,**

**-against-**

**ORDER**

**TEREX CORPORATION, CEDARAPIDS, INC.,  
and TEREX/CEDARAPIDS,**

**Defendants.**

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**GERSHON, United States District Judge:**

On May 1, 2006, defendant moved for summary judgement against plaintiff in this products liability action. Based upon review of the parties' papers, and after hearing oral argument, the court finds that there exist issues of fact to be decided by a jury. Accordingly, defendant's motion for summary judgement is denied. The parties are ordered to prepare a joint pre-trial order under the supervision of Magistrate Judge Roanne L. Mann.

**SO ORDERED.**

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/s/  
**NINA GERSHON**  
**United States District Judge**

Dated: Brooklyn, New York  
February 2, 2007